

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1647.00
COMPLAINT INVESTIGATOR:	Jane Taylor-Holmes
DATE OF COMPLAINT:	November 1, 2000
DATE OF REPORT:	November 27, 2000
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	January 19, 2001

COMPLAINT ISSUES:

Whether the Monroe County Community School Corporation violated:

511 IAC 7-26-12(c) with regard to the school's alleged failure to provide specialized training about the impairments that adversely affect the student's educational performance to professionals and paraprofessionals who work with the student.

511 IAC 7-25-7 with regard to the school's alleged failure to conduct an assistive technology evaluation and convene a case conference committee within sixty instructional days of the date of the parent's consent for the evaluation.

During the course of the investigation, an additional issue was identified which is:

Whether the Monroe County Community School Corporation violated 511 IAC 7-10-3 with regard to completing the student's assistive technology evaluation and conducting the case conference committee meeting within forty instructional days of the parent's consent for evaluation.

FINDINGS OF FACT:

1. The student (the "Student") is eleven years old and is eligible for special education and related services as a student with an other health impairment ("OHI"). The Student is in the sixth grade at the local elementary school (the "School").
2. A CCC meeting was held on May 18, 2000. The complainant (the "Complainant") requested an assistive technology (the "AT Evaluation") evaluation be conducted for the Student. The following also occurred during the meeting.
 - A behavior intervention plan was written for the Student for the 2000-01 school year.
 - A discussion regarding having class meetings twice a year to educate the Student's peers about Tourette Syndrome.
 - The Complainant reported that he was meeting with the Student's doctor to discuss changing the Student's medication.
 - The Student's classroom teacher (the "Classroom Teacher") stated that she would try to monitor recess because the Student appeared much better with the Classroom Teacher on the playground.
 - The advocate also suggested that the School conduct an in-service training on Tourette Syndrome and provided the principal (the "Principal") the name of an individual who could conduct the training.

3. The local director of special education (the "Director") reported that on September 5, 2000, the Principal distributed a copy of a 21 page document entitled Guide to the Diagnosis and Treatment of Tourette Syndrome to all of the teachers who work with the Student. The Student's teacher of record (the "TOR") attended a two-day workshop on Tourette Syndrome on September 6 and 7, 2000, and has shared the workshop materials with all of the Student's teachers. The TOR is also scheduled to conduct a workshop for School staff as part of a faculty meeting.
4. The referral form for the Student's AT Evaluation was completed on September 21, 2000. The AT Evaluation was conducted on September 28, 2000, and October 5, 10, and 24, 2000. The AT Evaluation report was written on November 16, 2000. No CCC meeting has been held to discuss the results and recommendations of the AT Evaluation.
5. Under 511 IAC 7-3-1 et seq. the evaluation process timeline was 40 instructional days. Article 7 was revised with an effective date of June 21, 2000. The new timeline for evaluations is 60 instructional days.

CONCLUSIONS:

1. Findings of Fact #2 and #3 indicate that the CCC discussed the Student's behavior and ideas for addressing the Student's needs with his peers and teachers; however, only the Student's TOR has been provided training regarding the Student's needs. A violation of 511 IAC 7-26-12(c) occurred.
2. Finding of Fact #2 indicates that the CCC agreed to an AT Evaluation for the Student on May 18, 2000. Pursuant to 511 IAC 7-3-1, in effect at the time the AT Evaluation was requested, the evaluation timeline to complete an evaluation and conduct the CCC was 40 instructional days. Finding of Fact #4 indicates that the AT Evaluation has been completed, but the CCC has not met to discuss the results of the AT Evaluation. Because 511 IAC 7-25-7 was not in effect at the time of the AT Evaluation request, no violation of 511 IAC 7-25-7 is found. However, a violation of 511 IAC 7-10-3 occurred.

The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Monroe County Community School Corporation shall:

1. conduct an inservice training with all professional and paraprofessional personnel at the School who provide services to the Student regarding the Student and Tourette Syndrome. A copy of the inservice training agenda and a list of attendees by signature and title shall be submitted to the Division no later than January 15, 2001.
2. conduct the Student's CCC meeting to discuss the results and recommendations of the AT Evaluation no later than January 5, 2001. A copy of the *CCC Summary/IEP* shall be submitted to the Division no later than January 15, 2001, and shall indicate that the AT Evaluation results were discussed and a description of AT equipment to be made available to the Student if the CCC determines the need for AT equipment.

